



500.39093X00

*Handwritten signature and date 6/16/03*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): MATSUMOTO, et al  
Serial No.: 09/665,694  
Filed: September 20, 2000  
For: NEAR-FIELD OPTICAL PROBE, NEAR-FIELD OPTICAL MICROSCOPE AND OPTICAL RECORDING/ REPRODUCING DEVICE WITH NEAR-FIELD OPTICAL PROBE  
Group: 2877  
Examiner: R. Punnoose

**RESPONSE**

Mail Stop Non-Fee Response  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 7, 2003

TECHNOLOGY CENTER 2800

JUN - 8 2003

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Sir:

The following remarks are respectfully submitted in connection with the above-identified application in response to the Office Action dated June 4, 2003.

In response to the requirement for restriction to elect one of the inventions identified as invention I - claims 1-20, drawn to a near-field optical probe, classified in class 356, subclass 601; invention II - claims 21-23, drawn to a near-field microscope, classified in class 359, subclass 368; and invention III - claims 24-28, drawn to an optical reading/recording device, classified in class 369, subclass 47.1; applicants elect invention I - claims 1-20.

Applicants note that the Examiner has additionally required an election of a single disclosed species of the following patentably distinct species of the claimed invention: near-field optical probe, and the Examiner's election of species requirement is not understood.

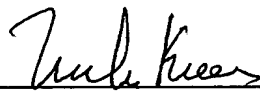
Applicants note that the Examiner indicates that claims 1-20 are generic, and since applicants have elected invention I of claims 1-20, which the Examiner recognizes are generic claims, it is not seen that an election of species is necessary in response to the outstanding Office Action, recognizing that the Examiner has not identified what is considered to be allegedly different species of the claimed invention.

In view of the above remarks, applicants submit that a complete response to the restriction and election requirement has been made, and favorable action with respect to the elected invention is respectfully requested.

In view of the above remarks, applicants request favorable action in this application.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (500.39093X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



Melvin Kraus

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